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Remarks

Reconsideration of the above-captioned application is respectfully requested. All pending claims (1-23) have been rejected under 35 U.S.C. §103 as being unpatentable over Nagayasu, USPN 5,164,896.

Claim 1 now sets forth the head rail shown in Figure 1 and the enclosure 48 shown in Figure 2 that is configured to fit inside the head rail. Since, as admitted by the examiner, Nagayasu nowhere considers application to the group of objects enumerated in Claim 1, it cannot suggest application to any of these objects, much less the particular sizing now recited. Moreover, since there is no indication at all in Nagayasu that it might be applicable to the recited objects, much less how it might be applied to them, there would seem to be no reason to combine it with a reference showing one of the recited objects absent a suggestion in such a reference to use general purpose position indication devices. The rejection of Claim 1 and its dependent claims has been overcome.

Dependent Claim 6 requires at least one magnet to be disposed in the plane of rotation of the ferromagnetic element, as shown in Figure 2. Nagayasu mentions that its system can be used for rotational objects but never shows how, much less that any magnets are disposed in a plane of rotation. In fact, it would appear that were Nagayasu to be modified for rotational use, the relied-upon magnets would be distanced from the plane of rotation.

Dependent Claim 8 requires cylindrical bobbins as shown in Figure 4, whereas the yokes of Nagayasu, even if they were to be considered to be "bobbins" (a point Applicant does not concede), are C-shaped.

Dependent Claim 9 recites the magnet orientation shown in Figure 4 but not suggested in Nagayasu.

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Dependent Claim 11 and independent Claim 12 recite that the ferromagnetic element is transversely elongated relative to the axis of rotation as shown in Figure 2 and in marked contrast to Nagayasu, which shows no such element, elongated or otherwise. The rejection of Claim 12 and its respective dependent claims is thus overcome.

Dependent Claim 16 recites that at least one magnet, as shown in Figure 2, has a curved surface. No such surface is shown in Nagayasu.

Independent Claim 23 now affirmatively recites details from the specification regarding "braking", namely, that the number and size of the magnets are established to brake the drive structure, when deenergized, from turning under the weight of the object. Since, as admitted, Nagayasu nowhere considers application to the group of objects enumerated in Claim 23, it cannot suggest the particular combination of structure now set forth. Moreover, Nagayasu nowhere considers using its magnets for braking, and indeed envisions that the movable object is stopped by deenergizing the motor, see Nagayasu, col. 4, line 45 continuing to col. 5, line 4. It thus cannot suggest the combination of structure now recited in Claim 23.

The fact that Applicant has focussed its comments distinguishing the present claims from the applied references and countering certain rejections must not be construed as acquiescence in other portions of rejections not specifically addressed. For instance, Applicant does not agree with the takings of official notice regarding battery power and pickup coils. What is relevant is not whether batteries and pickup coils were known, but rather whether they were suggested by the prior art in the particular combination of elements now claimed. Accordingly, should the examiner persist in these rejections, a prior art showing of the missing elements *along with the requisite prior art suggestion to combine them* with the combination of elements set forth is seasonably requested under MPEP §2144.03.

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The Examiner is cordially invited to telephone the undersigned at (619) 338-8075 for any reason which would advance the instant application to allowance.

Respectfully submitted,



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